

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ikuo Matsui et al. Art Unit : 1652
 Serial No. : 09/369,735 Examiner : Maryam Monshipouri, Ph.D.
 Filed : August 6, 1999
 Title : THERMOPHILIC ENZYMES HAVING BETA-GLYCOSIDASE ACTIVITY

Commissioner for Patents
 Washington, D.C. 20231

CPA RESPONSE AND AMENDMENT

Sir:

Prior to examination of the continued prosecution application (CPA) for the above-referenced application, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. This CPA RESPONSE AND AMENDMENT is in response to the COMMUNICATION from the Examiner of Record mailed September 14, 2001. It is believed that the response was initially due one month after the date of the COMMUNICATION, or, October 14, 2001. A petition to extend time for one month under 37 C.F.R. §1.136(a) and appropriate fee is attached. Accordingly, this Response is timely filed.

This response includes a request under 37 C.F.R. §1.53(d) for filing a CPA application. Thus, Applicants are entitled to have this first submission for this CPA entered and considered on the merits.

The following documents are enclosed herewith:

- Petition to Extend time for 1 month under 37 C.F.R. §1.136(a)
- Request under 37 C.F.R. §1.53(d) for filing a CPA application
- Version with markings to show changes made
- Postcard
- check

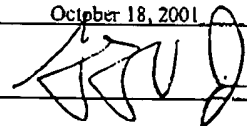
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Date January 9, 2002

To P. Achutamurthy
U.S. Patent and Trademark Office (Patent)
Group Art Unit 1652
Telephone: 703-308-3804

Facsimile number 11059-00200001 / 703-308-0294-4242

From Mi K. Kim

Re METHODS FOR MAKING AND USING A THERMOPHILIC ENZYME AS A beta-
GLYCOSIDASE (amended)
Application No. 09/369,735
Our Ref.: 11059-002001

Number of pages
including this page 18

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ikuo Matsui et al.
Serial No.: 09/369,735
Filed: August 6, 1999
Title: METHODS FOR MAKING AND USING A THERMOPHILIC ENZYME AS A
β-GLYCOSIDASE (AMENDED)

Commissioner for Patents
Washington, DC 20231

DECLARATION OF MAILING BY "EXPRESS MAIL"

Gildardo Vargas declares as follows:

1. I reside at: 865 21st St., #3, San Diego, California 92102 and am an employee of:

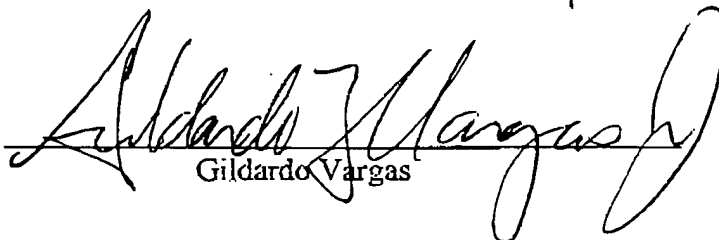
Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122

2. On October 18, 2001, I deposited in the mail, "Express Mail Post Office to Addressee" service of the United States Postal Service, the contents of the envelope for which "Express Mail" receipt No. EL584812225US was issued addressed to the Commissioner for Patents, Washington, DC 20231.

3. Attached hereto is a true copy of the "Express Mail" receipt No. EL584812225US.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: October 18, 2001


Gildardo Vargas

EL584812225US

PATENT

ATTORNEY DOCKET NO.

11059-002001

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant or Patentee MATSU, et al

No. (Application, Appeal, Interference, Patent, Reexam) 09/369,735

Filing or Issue Date 8/6/99

Title: METHODS FOR MAKING AND USING A

☒ Transmitted Letter (2 Copies) ☐ With Pet. for Ext. thermophilic

☐ Assignment ☐ Status Inquiry enzyme...

☒ Amendment/Response 11 Pages ☐ Declaration

☐ Maintenance Fee ☐ Request Certificate of Correction

☒ Check \$ 1186.00 ☐ Notice of Appeal

☐ Deposit Account Order Form (2 Copies) ☐ Appeal Brief (3 Copies) Pages

☐ Issue Fee ☐ Request Patent Copies ☒ Petition for Extension Time

☐ Information Disclosure Statement

☐ PTO 1449 Form- Pages

☐ Prior Art References-Number of References EL584812225US

☐ Drawings Sheets Formal Sheets Informal Sheets Amended

☐ Notice of Missing Parts

☐ Combined Declaration and Power of Attorney

☐ Small Entity Statement

☐ Other

Atty/Sec Client/
Initials GPE Matter Name HIRAKI Date 10/18/01
JAR

FR FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
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c 136756

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1855-1930

W.K. Richardson
1859-1951

October 18, 2001

Attorney Docket No.: 11059-002001

Box CPA

Commissioner for Patents
Washington, DC 20231

This paper is a request for a continuation under 37 CFR §1.53(d) of:

Applicant: Ikuo Matsui, Kazuhiko Ishikawa, Hiroyasu Ishida and
Yoshitsugu Kosugi

Title: METHODS FOR MAKING AND USING A THERMOPHILIC
ENZYME AS A B-GLYCOSIDASE (AMENDED)

Prior U.S. application no: 09/369,735

Filing Date: August 6, 1999

The prior application was complete as defined by 37 CFR §1.51(b), or was a national stage of an international application filed in compliance with 35 USC §371.

This request for a CPA is the reference to the prior application noted above as required by 35 USC §120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein.

The prior application is assigned of record to Director-General of Agency of Industrial Science and Technology, a Japanese corporation, by virtue of an assignment submitted to the Patent and Trademark Office and recorded on September 13, 1999 at 010239/0545.

This request includes 2 sheets.

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Commissioner for Patents

October 18, 2001

Page 2

Enclosures:

- Preliminary amendment, 11 pages.
- Petition to Extend Time for 1 month under 37 C.F.R. §1.136(a).
- Postcard.

The entire disclosure of the prior application is part of this application and is incorporated by reference.

Basic filing fee	\$740
Total claims in excess of 20 times \$18	\$0
Independent claims in excess of 3 times \$84	\$336
Fee for multiple dependent claims	\$0
Fee for one-month extension	\$110
Total filing fee:	\$1186

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

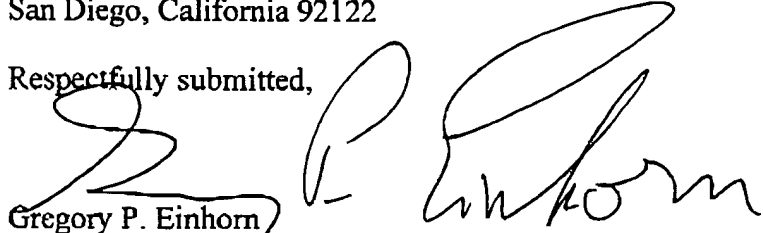
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 678-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

GREGORY P. EINHORN
Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122

Respectfully submitted,


Gregory P. Einhorn

Reg. No. 38,440

Enclosures

GPE/jar

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